

FEDERAL BAR ASSOCIATION'S
LAWYER OF THE YEAR

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 1995

Mr. OBERSTAR. Mr. Speaker, on Monday, December 4, it was my great privilege and pleasure, on behalf of the Federal Bar Association's Transportation Section, to present the "Lawyer of the Year Award" to David A. Heymsfeld, Democratic Staff Director, for the Committee on Transportation and Infrastructure. I would like to take this opportunity simply to restate my remarks at that very special occasion:

David Heymsfeld's exquisite legislative craftsmanship has defined and given direction to an entire generation of aviation law. His 20 years of service on the Committee on Transportation and Infrastructure; his keen eye for detail; his zest for and command of the broad policy issues of aviation law; his respect for the opinions and concerns of others, and his exceptional ability to meld them into a cohesive whole have left an indelible, constructive imprint on the complete body of aviation law just prior to and since enactment of the watershed Aviation Deregulation Act of 1978.

David has been plying his legislative craftsmanship for so long that Secretary of Transportation Federico Peña was probably still in law school when David joined our committee staff.

David's immersion in aviation law began during his service at the Civil Aeronautics Board with the "father" of aviation deregulation, Chairman Alfred Kahn—but, I think it is fair to say that David has had a more enduring impact on aviation law than Chairman Kahn since then.

His Senate staff counterparts, over the years, have gone on to other pursuits: Phil Bakes to Texas Air; Will Ris to American Airlines; and one, Steven Breyer, made it to the Supreme Court.

Many of his colleagues in the field of aviation law have made important contributions over the years, but David Heymsfeld stands alone, astride the entire compendium of law and regulation in the field of aviation. Every day practitioners of the art and science of aviation law diligently analyze, report on, and make marketplace decisions based upon statutes and their accompanying reports that David Heymsfeld has crafted—and they will do so for generations to come.

David's great gift is his openness, his willingness to work with all segments of the aviation sector, both public and private, and to work collaboratively with his colleagues in both the House and Senate on a truly open, bipartisan basis.

Mr. Heymsfeld received his BA from Columbia College in 1959 and an LLD from Harvard Law School in 1962.

It is now my great pleasure to present the award, which reads: "Transportation Lawyer of the Year Award" to David A. Heymsfeld, Minority Staff Director, House Committee on Transportation and Infrastructure, Monday, December 4, 1995.

Congratulations, David, this is an honor richly deserved and truly earned.

LEGISLATION TO HELP LOWER
THE BURDEN OF MEDICARE
PART A BUY-INS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 1995

Mr. STARK. Mr. Speaker, Representative ROBERT MATSUI and I are today introducing a bill to help those who, through no fault of their own, were not able to participate in the Medicare Program during their working years and now face over \$3,000 a year in Medicare part A buy-in costs.

Our bill lowers the cost of the monthly part A buy-in for about 216,000 people over age 80 who, for no fault of their own, could not participate in Medicare during their working years, because their employers were not in Social Security. The people in this group are mostly retired teachers, policemen, and firemen over age 80 who worked for State and local governments which elected not to join the Medicare payroll tax system.

These retirees have been stuck in increasingly expensive small public or private insurance policies, and many of them have had to drop insurance coverage because they could no longer afford it on their shrinking pensions. Since most of them could not afford to maintain private insurance, even if it were available, they have been buying into Medicare part A, some for as long as 15 years. The Medicare buy-in monthly premium is set to equal the full actuarial cost of part A, and today premiums are more than \$250 a month and now many of these retirees cannot afford to buy into this basic level of Medicare hospital protection. Many are becoming uninsured—and uninsurable—at the most vulnerable period in their lives.

In the last Congress, Representative BILL THOMAS and I developed an amendment to help this population by lowering the part A buy-in for those who achieved 30 quarters of coverage but not the necessary 40 required for Medicare eligibility.

This has been a help to a few of these retirees, but many of the poorest of these seniors, of course, do not have even 30 quarters of coverage and desperately need help.

Therefore, the amendment Representative MATSUI and I are introducing today would lower the cost of the monthly buy-in by about \$150 a month. Individuals would still have to contribute \$100 per month—and the full actuarial rate for years before their 80th birthday.

Our bill does not include a way to pay for this change, but we expect to be able to offer a funding proposal at such time as the legislation is considered for markup.

I hope other Members will join us in supporting this much needed relief to a group of our older retirees who—to repeat—through no fault of their own, were unable to participate in the regular Medicare Program during their working years.

HONORING TONY M. ASTORGA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 1995

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to a longtime friend and supporter,

Mr. Tony M. Astorga, on the occasion of his 50th birthday. It is my pleasure to recognize the achievements of Mr. Astorga, and the impact he has had on the people of Arizona.

Mr. Astorga has long been a valuable member of the Arizona community, beginning with his days as a student at Arizona State University. During his time at ASU, he received many honors, including his placement in "Who's Who in American Colleges and Universities," and "Outstanding Young Men of America." He graduated from ASU with a B.S. degree in accounting with high honors, leading to a long and distinguished career in the Arizona business community.

Currently, Mr. Astorga is the senior vice president, chief financial officer and treasurer of Blue Cross and Blue Shield of Arizona and president of AT International, Inc. He has been named the "Professional of the Year" by the Hispanic Chamber of Commerce, and received the "Public Service Award" from the Arizona Society of Certified Public Accountants. However, the demands of a highly successful professional career have not kept him from making an impact on the community. He has been a part of the United Way Agency Review Panel, the Blessed Sacrament and St. Joan of Arc Finance Committees, as well as participating in the Manpower Advisory Council and Citizens Task Force to the city of Phoenix.

I take great pleasure in recognizing the efforts and contributions that Mr. Astorga has made during his lifetime in Phoenix, and I ask my colleagues to join me in recognizing the accomplishments of Mr. Tony Astorga.

CAPITALIZING ON AMTRAK

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I introduced a bill to establish a new intercity passenger rail trust fund. Serving over 500 destinations across the country, the National Railroad Passenger Corporation [Amtrak] provides 22 million passenger rail trips to Americans every year. With an estimated \$4 billion needed in capital improvements over the next few years, the rail trust fund will provide Amtrak with much needed capital funds to improve rolling stock, cars and locomotives, upgrade maintenance facilities, and prevent the deterioration of track and signal equipment. First introduced by Senate Finance Committee Chairman BILL ROTH, the rail trust fund will be a secure source of capital funding during this time of tight budgetary constraints.

On October 1, the 2.5 cents of the existing 18-cents-per-gallon gas tax that had been going into the Treasury for deficit reduction was shifted back into the mass transit portion of the highway trust fund. This highway trust fund account has a huge balance—estimated at over \$10 billion at the end of fiscal 1996. My bill would direct 0.5 cent of this 2.5 cents into the rail trust fund until September 30, 2000.

The establishment of this rail trust fund will not adversely affect other modes of transport, including mass transit. In fact, special language has been included in the rail trust fund legislation protecting mass transit. If, under the

Rostenkoski rule, the cash balance in the mass transit account were ever insufficient to cover the transit spending for the current year and the following fiscal year, the revenues from the rail trust fund would revert into the transit account.

Amtrak is an essential part of this country's transportation network. Between 1982 and 1994, travel on Amtrak's operating rose 40 percent. This necessary capital funding will cut Amtrak's operating and maintenance costs and improve reliability and performance. In addition, these improvements will reduce air pollution, fuel consumption, highway congestion, and urban parking problems. I urge my colleagues to join me in enacting this measure into law.

COMMEMORATING 20TH ANNIVERSARY OF THE SIGNING OF HELSINKI FINAL ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 1995

Mr. WOLF. Mr. Speaker, I am honored to represent the House as a commissioner on the Commission on Security and Cooperation in Europe and want to bring to the attention of our colleagues the remarks by the Honorable Gerald R. Ford, 38th President of the United States, at Helsinki, Finland, on August 1, 1995, on the occasion of the 20th anniversary of the signing of the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

Thank you for your kind invitation to take part in this historic event whereby we mark the 20th Anniversary of the Helsinki Accords.

The title for my remarks today—"Helsinki: The Unfinished Agenda."

Before the formal signing of the Helsinki Accord, I warned the world and the other heads of state gathered here that "Peace is not a piece of paper . . . peace is a process."

Twenty years later, the process we began here by signing that piece of paper has given us a super power peace—the Cold War is history.

Except for the stubborn ethnic conflict in the Balkans which was already ancient when I was born, the course of history has changed because here in Helsinki we recognized certain basic rights to which all human individuals are entitled.

In 1975 there was considerable opposition in the United States to my participation in the Helsinki meeting. For example, *The Wall Street Journal* advised in its July 23, 1975, editorial: "Jerry—Don't Go," while other American newspapers were equally critical. Some skeptics labeled the Accord—The Betrayal of Eastern Europe. Basket III, which included fundamental human rights language was either ignored by most of the media or criticized as long on rhetoric, but short on substance. Likewise, two of our most influential and respected Senators, one a Democrat and one a Republican, condemned Basket III of the Accord.

Furthermore, many ethnic groups in the United States, especially those of Baltic heritage, were strongly opposed to portions of the Accord because they believed it legitimized the borders drawn by the Warsaw Pact. The United States and the West German government met this criticism by insisting Basket II language include the following: "They, (the signers) consider that

their frontiers can be changed, in accordance with international law, by peaceful means and by agreement." The wholesale political upheaval behind the Iron Curtain that took place fifteen years later made these differences in 1975—academic, especially Latvia, Lithuania and Estonia. The 1975 Helsinki Accord did not freeze the 1945 borders of Europe; it freed them.

The thirty-five leaders of nations on both sides of the Iron Curtain that signed the Final Act of the Helsinki Accord, according to one historian, "Set in motion a chain of events that helped change history." Each of us, including Mr. Brezhnev, who signed the Final Act agreed to a commitment of principle to recognize the existence of certain basic human rights to which all individuals are entitled.

It is ironic that these accords are often described as the "Final Act" when, in fact, they were really just the beginning of an historic process. Today, this process has a past, as well as a present and a future—an unfinished agenda.

Twenty years ago when I spoke here, my country was beginning the bicentennial observance of our Declaration of Independence. I drew on the inspiration of that great moment in our history for the remarks I made to the Conference in this Finnish Capital. I likened the Helsinki Accords to the Declaration of Independence because I realized that, as with our revolution, it is sacrifice and the indomitable human spirit that truly separate ordinary moments in history from those that are extraordinary. And today, as we reflect on the past twenty years of achievement, we see that it has been the sacrifice and the indomitable human spirit of great people throughout the world that have made the signing of the Helsinki Accords a truly extraordinary moment in modern history.

I well remember the impressive ceremony in Finlandia House where signatures were affixed to a 100 page, 30,000 word joint declaration. In the limelight, representing the thirty-five nations, were French President Valérie Giscard d'Estaing, West German Chancellor Helmut Schmidt, British Prime Minister Harold Wilson, Yugoslav President Josip Broz Tito, Rumanian President Nicolae Ceausescu, Canadian Prime Minister Pierre Trudeau, East Germany's Erich Honecker, our host, President Kekkonen and others.

On the day we signed the Accords, appropriate speeches were made by each nation's representative. On behalf of the United States I chose to emphasize the Final Act's commitment to human rights.

Let me quote from my speech: "The documents produced here affirm the most fundamental human rights—liberty of thought, conscience, and faith; the exercise of civil and political right; the rights of minorities."

"Almost 200 years ago, the United States of America was born as a free and independent nation. The descendants of Europeans who proclaimed their independence in America expressed in that declaration a decent respect for the opinions of mankind and asserted not only that all men are created equal, but they are endowed with inalienable rights to life, liberty, and the pursuit of happiness."

"The founders of my country did not merely say that all Americans should have these rights, but all men everywhere should have these rights. And these principles have guided the United States of America throughout its two centuries of nationhood. They have given hope to millions in Europe and on every continent."

"But it is important that you recognize the deep devotion of the American people and their Government to human rights and fundamental freedoms and thus to the pledges that this conference has made re-

garding the freer movement of people, ideas, information."

I continued in my 1975 speech—"To those nations not participating and to all the people of the world: The solemn obligation undertaken in these documents to promote fundamental rights, economic and social progress, and well-being applies ultimately to all peoples."

"And can there be stability and progress in the absence of justice and fundamental freedoms?"

My final comments were: "History will judge this Conference not by what we say here today, but by what we do tomorrow—not by the promises we make, but by the promises we keep."

In retrospect, it is fair to say that Leonid Brezhnev and other Eastern European leaders did not realize at the time that in endorsing the human rights basket of the Helsinki Accord they were planting, on their own soil, the seeds of freedom and democracy. In agreeing to the human rights provisions of the Helsinki Accord, the Soviets and the eastern bloc nations unwittingly dragged a Trojan horse for liberty behind the Iron Curtain.

Often, current events we believe will be important in history later become obscure and irrelevant. And sometimes, events we consider irrelevant in history, become a defining moment. As former Prime Minister Margaret Thatcher noted in Paris in 1990, "It was clear that we underestimated the long-term affects of the Helsinki Agreement." This great British Leader went on to say that the Helsinki Agreements "were a process which some envisioned as perpetuating the division of Europe [but which have] actually helped overcome that division." Likewise, scholars point out that at the time the Magna Carta was adopted in England, its extension of freedom was quite limited and applied only to a privileged few; however, today we recognize the Magna Carta as a dramatic first step on man's march to individual freedom.

Following the meeting in Helsinki, watch groups sprang up throughout Europe. The Fourth Basket provision for a follow-up meeting in Belgrade in 1977 and a subsequent meeting in Madrid in 1980 would give these to those who were aggrieved a global forum for their determined anti-Marxist and pro-human rights views. To those suffering behind the Iron Curtain, the Helsinki Accords was a powerful proclamation that contained seminal ideas it was issued at a most opportune time.

I applaud President Carter's dedicated and effective support of Arthur Goldberg in Belgrade in 1977 and Max Kampelman in Madrid in 1980; however, it would be obviously unfair to attribute all of the cataclysmic events of 1989 and 1990 to the Final Act, in as much as long suppressed nationalist sentiments, economic hardship, and suppressed religious conditions played equally crucial roles.

Today, as we face the harsh realities of August 1995, I am reminded of the words of President Lincoln as he confronted the awesome challenges of the American Civil War. With the Republic hanging in the balance, he observed that "the occasion is piled high with difficulties and we must rise with the occasion. As our case is new, so we must think anew and act anew."

Yet, even as today's violence and suffering enrage and pull at the heartstrings of all people—and the former Yugoslavia is just one example—I know the central issue in the world remains the preservation of liberty and human rights. When the Berlin Wall fell, those who were protesting repression were reading from documents like the American Declaration of Independence. Today, they are reading to us the words of the Helsinki